



Def & Ref #807  
PATENT  
Docket No. 449122005700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Friedrich MÜELLER

Serial No.: 09/831,139

Filing Date: June 21, 2001

For: DATA PROCESSING SYSTEM OR  
COMMUNICATIONS TERMINAL  
WITH A DEVICE FOR RECOGNISING  
SPEECH AND METHOD FOR  
RECOGNIZING CERTAIN ACOUSTIC  
OBJECTS

Examiner: Paul V. Harper

Group Art Unit: 2654

**REQUEST FOR REFUND**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Refund Section, Accounting Division Office of Finance

Sir:

Applicant respectfully requests a refund in the amount of \$ 950.00, for Extension of Time (Three Months), paid on August 23, 2004, and any other relief that the Commissioner may find fair and just because the after-final amendment was received by the U.S. Patent Office but was never processed (according to a telephone conversation with the Examiner). Applicant submit together with this paper, the following documents together with the postcard receipt, if any:

Copy of Amendment In Response to Final Office Action, filed May 24, 2004.

Copy of Information Disclosure Statement, filed May 24, 2004.

va-91382

**BEST AVAILABLE COPY**

Copy of the Status Inquiry, filed November 23, 2004.

Applicant timely filed a response to the Action dated February 23, 2004, thereby entitling the applicant to respond to the Action on May 24, 2004, (May 23, 2004 being a Sunday). The response of May 24, 2004, in light of the foregoing, should be considered as timely filed. Therefore, time should have tolled on the Action of February 23, 2004, and no Extension of Time Fees, or other papers due, for the following reasons.

The Amendment In Response to the Final Office Action, contained arguments which were found to be persuasive enough to allow the application. The Examiner failed to acknowledge or act upon or notify the applicants of the fact that the Amendment of May 24, 2004, and the arguments contained therein, had placed the application in the condition for allowance. Although applicant understand that no amendment must be entered as a matter of right after the final Action. It is applicant's contention that the Amendment, and the arguments contained therein, was sufficient to allow this case as of May 24, 2004.

It is the applicant's contention that since the Request for Reconsideration, filed as timely on May 24, 2004, placed the application in the condition for allowance that no extensions or even the Request for Continued Examination were needed in order to pass the application to allowance, a refund is due and just.

The Commissioner is respectfully requested to consider the above facts and determine if a refund is appropriate. Favorable consideration is earnestly solicited.

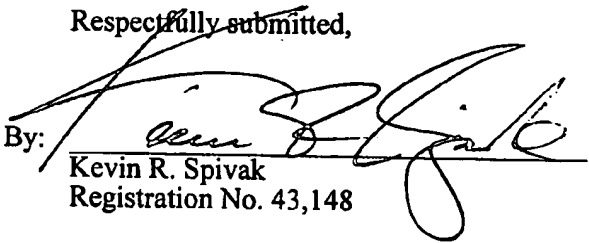
Docket No.: 449122005700

Please credit same to our Deposit Account No. 03-1952 referencing attorney docket No. 449122005700.

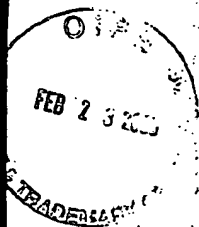
Respectfully submitted,

Dated: February 23, 2005

By:

  
Kevin R. Spivak  
Registration No. 43,148

Morrison & Foerster LLP  
1650 Tysons Boulevard  
Suite 300  
McLean, Virginia 22102  
Telephone: (703) 760-7762  
Facsimile: (703) 760-7777



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NOV 24 2004

MORRISON & FOERSTER LLP

Inventor: Friedrich MUELLER

Atty Docket No.: 449122005700

Application No.: 09/831,139

Filing Date: June 21, 2001

Title: DATA PROCESSING SYSTEM OR COMMUNICATIONS TERMINAL WITH A  
DEVICE FOR RECOGNIZING SPEECH AND METHOD FOR RECOGNIZING  
CERTAIN ACOUSTIC OBJECTS

Documents Filed:  
Status Inquiry



Via: Hand Delivery

Sender's Initials: KRS1/jr

Date: May 24, 2004

PREVIOUSLY  
DOCKETED

Appeal Brf Due - 2 Ext 12/23/04

DL 3/23/05

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CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Alexandria, Virginia on November 23, 2004.

  
Janice Rosier

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of:

Friedrich MUELLER

Serial No.: 09/831,139

Filing Date: June 21, 2001

For: DATA PROCESSING SYSTEM OR  
COMMUNICATIONS TERMINAL  
WITH A DEVICE FOR RECOGNIZING  
SPEECH AND METHOD FOR  
RECOGNIZING CERTAIN ACOUSTIC  
OBJECTS

Examiner: V. Paul Harper

Group Art Unit: 2654

STATUS INQUIRY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

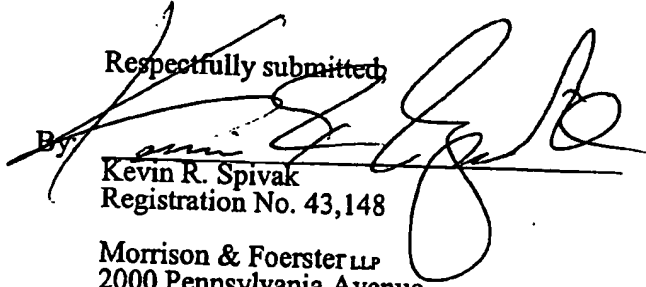
Applicant respectfully inquire as to the status of this application.

The last Action filed in this application was a Notice of Appeal dated August 23, 2004.

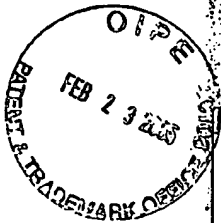
In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 449122005700.

Dated: November 23, 2004

Respectfully submitted,

  
By: Kevin R. Spivak  
Registration No. 43,148

Morrison & Foerster LLP  
2000 Pennsylvania Avenue  
Washington, D.C. 20006  
Telephone: 202-887-1525  
Facsimile: 202-887-0763



Atty Docket No.: 449122005700

Inventor: Friedrich MUELLER

Application No.: 09/831,139

Filing Date: June 21, 2001

Title: DATA PROCESSING SYSTEM OR COMMUNICATIONS TERMINAL WITH A  
DEVICE FOR RECOGNIZING SPEECH AND METHOD FOR RECOGNIZING  
CERTAIN ACOUSTIC OBJECTS

**Documents Filed:**

Amendment in Response to Final Office Action  
Information Disclosure Statement  
Form PTO-1449 w/ 4 refs.  
Fee Transmittal



Via: Hand Delivery

Sender's Initials: KRS1/jr

Date: May 24, 2004

DOCKETED *gld*

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 7/31/2006. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

## Complete if Known

Application Number 09/831,139  
Filing Date June 21, 2001  
First Named Inventor Friedrich MUELLER  
Examiner Name V.P. Harper  
Art Unit 2654  
Attorney Docket No. 449122005700

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	- 20 =	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 3 =			-0-
Multiple Dependent				-0-

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	280	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type) Kevin R. Spivak

Signature

Registration No. (Attorney/Agent)

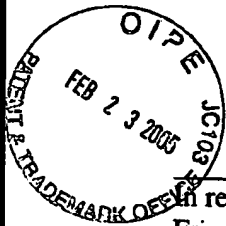
43,148

(Complete if applicable)

Telephone (703) 760-7762

Date

May 24, 2004



Docket No.: 449122005700  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Friedrich MUELLER

Application No.: 09/831,139

Art Unit: 2654

Filed: June 21, 2001

Examiner: V. P. Harper

For: DATA PROCESSING SYSTEM OR  
COMMUNICATIONS TERMINAL WITH A  
DEVICE FOR RECOGNIZING SPEECH AND  
METHOD FOR RECOGNIZING CERTAIN  
ACOUSTIC OBJECTS

AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This is in response to the final Office Action dated February 23, 2004, for which a response is due on May 24, 2004 (May 23, 2004 being a Sunday). Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.



**AMENDMENTS TO THE CLAIMS**

Please replace the claims, including all prior versions, with the listing of claims found below.

**Listing of Claims:**

1-10. (Canceled)

11. (Newly added) A data processing system or communications terminal for recognizing speech, comprising:

a speech recognition device configured to recognize acoustic objects, where the acoustic objects comprise at least one of individual letters, combinations of letters or control commands; and  
an acoustic device for acoustic output or optical display of recognized acoustic objects,  
wherein

if an acoustic object is incorrectly recognized, the speech recognition device subsequently recognizes

a first control command causes a speech recognition algorithm to expect repeated utterance of the incorrectly recognized object, and

a second control command causes the speech recognition algorithm to output at least one further acoustic object, wherein

a recognition probability of the at least one further acoustic object is less than the recognition probability of the previously output acoustic object, but greater than the recognition probability of other acoustic objects, or the further acoustic object is provided by a sequence of entries in a storage device of the device.

12. (Newly added) The device according to Claim 1, wherein recognition of a third control command causes the speech recognition algorithm to assess the last-output object as correctly recognized, ends any output of further objects and/or triggers a function corresponding to the recognized control command.

13. (Newly added) A method for recognizing acoustic objects, comprising:

providing a recognition algorithm to recognize acoustic objects, where the acoustic objects comprise at least one of individual letters, combinations of letters or control commands; and acoustically outputting or displaying recognized acoustic objects, wherein if an acoustic object is incorrectly recognized, the recognition algorithm subsequently recognizes

a first control command causes a speech recognition algorithm to expect repeated utterance of the incorrectly recognized object, and

a second control command causes the speech recognition algorithm to output at least one further acoustic object, wherein

a recognition probability of the at least one further acoustic object is less than the recognition probability of the previously output acoustic object, but greater than the recognition probability of other acoustic objects, or the further acoustic object is provided by a sequence of entries in a storage device of the device.

14. (Newly added) The method according to Claim 3, wherein the recognition of a third control command causes the speech recognition algorithm to assess the last-output object as correctly recognized, ends any output of further objects and/or triggers a function corresponding to the recognized control command.

**REMARKS**

Claims 1-4 and 6-9 have been rejected under 35 USC 102(e) as anticipated by Haavisto. The rejection is respectfully traversed.

Haavisto fails to disclose providing a recognition algorithm to recognize acoustic objects, where the acoustic objects comprise at least one of individual letters, combinations of letters or control commands; and acoustically outputting or displaying recognized acoustic objects, wherein if an acoustic object is incorrectly recognized, the recognition algorithm subsequently recognizes a first control command causes a speech recognition algorithm to expect repeated utterance of the incorrectly recognized object, and a second control command causes the speech recognition algorithm to output at least one further acoustic object, wherein a recognition probability of the at least one further acoustic object is less than the recognition probability of the previously output acoustic object, but greater than the recognition probability of other acoustic objects, or the further acoustic object is provided by a sequence of entries in a storage device of the device, as required by the claimed invention (as amended).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 4491122005700.

Application No.: 09/831,139

5

Docket No.: 449122005700

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 24, 2004

Respectfully submitted,

By 

Kevin R. Spivak

Registration No.: 43,148

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7762 - Telephone

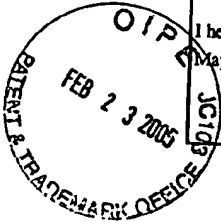
(703) 760-7777 - Facsimile

PATENT  
Docket No. 449122005700

CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Alexandria, Virginia on  
May 24, 2004

  
Janice Rosier



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Friedrich MUELLER

Serial No.: 09/831,139

Filing Date: June 21, 2001

For: DATA PROCESSING SYSGEM OR  
COMMUNICATIONS TERMINAL WITH A  
DEVICE FOR RECOGNIZIN SPEECH AND  
METHOD FOR RECOGNIZING CERTAIN  
ACOUSTIC OBJECTS

Examiner: V. Paul Harper

Group Art Unit: 2654

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR 1.97 & 1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.97 and 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copy of the documents is also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted together after a filing of an Final Rejection of this application; accordingly, a fee or separate requirements is required.

U.S. Appln. No.: 09/831,139  
Docket No.: 449122005700

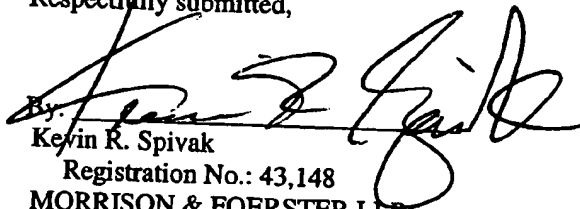
Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 CFR 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 449122005700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 24, 2004

Respectfully submitted,



By: Kevin R. Spivak

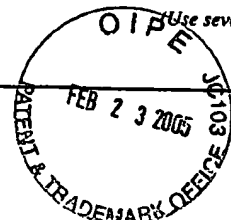
Registration No.: 43,148  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 300  
McLean, Virginia 22102  
(703) 760-7762 - Telephone No.  
(703) 760-7777 - Facsimile No.

**BEST AVAILABLE COPY**

Form PTO-1449

# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

Use several sheets if necessary)



Docket Number 449122005700

Application Number 09/831,139.

Applicant

Friedrich MUELLER

Filing Date May 24, 2004

Group Art Unit 2654

Mailing Date May 24, 2004

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	07/27/1993	5,231,670	Goldhor et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	2.	09/02/1998	EP 0 862 159 A1	Europe			X
	3.	12/04/1996	EP 0 746 129 A2	Europe			X
	4.	11/30/1989	EP 0 376 501 A2	Europe			X

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title

**BEST AVAILABLE COPY**

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

U.S. PATENT AND TRADEMARK OFFICE  
AUG 23 2004

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		<b>Docket Number (Optional)</b> 44912-2005700	
In re Application of <b>Friedrich MUELLER</b>			
Application Number <b>09/831,139</b>		Filed <b>June 21, 2001</b>	
For <b>DATA PROCESSING SYSTEM OR COMMUNICATIONS TERMINAL WITH A DEVICE FOR RECOGNIZING SPEECH AND METHODS FOR RECOGNIZING CERTAIN ACOUSTIC OBJECTS</b>			
Art Unit <b>2654</b>		Examiner <b>V. Paul HARPER</b>	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- |  |    |        |
|--|----|--------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1))               | \$ |        |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2))              | \$ |        |
| <input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$ | 950.00 |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4))             | \$ |        |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5))             | \$ |        |

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **03-1952**

I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ attorney or agent of record. Registration Number

☒ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a)

**45,640**

**August 23, 2004**

Date

**(703) 760-7769**

Telephone Number

Signature

**Jonathan Bockman**

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below

Adjustment date: 04/07/2004  
08/25/2004 WABDELRI 00400125 031952 09831139  
01 FC:1253 950.00 CR

Total of **1** forms are submitted.

RECEIVED

AUG 26 2004

Technology Center 2600

09831139

08/25/2004 WABDELRI 00000125 031952

01 FC:1253 950.00 DA